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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, DECEMBER 1, 1998

APPLICATION OF

HYPERION COMMUNICATIONS OF VIRGINIA, LLC      CASE NO.    PUC980156

For certificates of public  
convenience and necessity to  
provide local exchange and  
interexchange telecommunications  
services

ORDER FOR NOTICE AND HEARING

On November 5, 1998, Hyperion Communications of Virginia, LLC ("Hyperion" or "Applicant") completed an application for certificates of public convenience and necessity ("certificate") to the State Corporation Commission ("Commission") to provide local exchange and interexchange telecommunications services throughout the Commonwealth of Virginia. The Applicant also requested authority to price its interexchange services on a competitive basis pursuant to § 56-481.1 of the Code of Virginia.

NOW UPON CONSIDERATION of the application, the Commission is of the opinion and finds that Hyperion's application should be docketed; that the Applicant should give notice to the public of its application; that the Commission Staff should conduct an investigation into the reasonableness of the application and

present its findings in a Staff report; and that a public hearing should be convened to receive evidence relevant to Hyperion's application for a certificate to provide local exchange services, and if substantive objections are received, evidence shall be received at the public hearing with regard to Hyperion's application for a certificate to provide interexchange services.

Accordingly, IT IS ORDERED THAT:

(1) This case is docketed and assigned Case No. PUC980156.

(2) A public hearing for the purpose of receiving evidence relevant to Hyperion's application for a certificate to provide local exchange services is scheduled for January 27, 1999, at 10:00 a.m., in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia. If substantive objections to Hyperion's application for a certificate to provide interexchange services are received on or before January 13, 1999, the Commission will also hear evidence on this issue at the January 27, 1999, public hearing. If no such substantive objections are received on or before January 13, 1999, the Commission may grant Hyperion's requested certificate to provide interexchange services without conducting a hearing.

(3) On or before December 28, 1998, the Applicant shall complete publication of the following notice, which may be

published on one occasion as classified advertising in newspapers having general circulation throughout the Applicant's proposed service territory:

NOTICE TO THE PUBLIC OF AN APPLICATION BY  
HYPERION COMMUNICATIONS OF VIRGINIA, LLC FOR  
CERTIFICATES OF PUBLIC CONVENIENCE AND  
NECESSITY TO PROVIDE LOCAL EXCHANGE AND  
INTEREXCHANGE TELECOMMUNICATIONS SERVICES  
THROUGHOUT THE COMMONWEALTH OF VIRGINIA  
CASE NO. PUC980156

On November 5, 1998, Hyperion Communications of Virginia, LLC ("Hyperion" or "Applicant") filed an application with the State Corporation Commission ("Commission") for certificates of public convenience and necessity ("certificate") to provide local exchange and interexchange telecommunications services throughout the Commonwealth of Virginia. In its application, the Applicant also requested authority to price its interexchange services on a competitive basis pursuant to § 56-481.1 of the Code of Virginia.

A public hearing will be convened on January 27, 1999, at 10:00 a.m. in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia, to hear evidence relevant to Hyperion's application for a certificate to provide local exchange service. The Commission will hear evidence on Hyperion's application for a certificate to provide interexchange service at the January 27, 1999, public hearing only if substantive objections to this portion of the application are filed on or before January 13, 1999. If no such substantive objections are received, the Commission may grant the certificate to provide interexchange service without a hearing.

Copies of the application are available for public inspection between the hours of 8:15 a.m. and 5:00 p.m. in the Commission's Document Control Center located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, or can be ordered from Hyperion's counsel, Jonathan D. Draluck, Esquire, Swidler Berlin Shereff Friedman, LLP, 3000 K Street, N.W., Suite 300, Washington, D.C. 20007-5116.

Any person desiring to comment in writing on Hyperion's application for certificates to provide local exchange services or interexchange services, may do so by directing such comments on or before January 13, 1999, to the Clerk of the Commission, at the address set out below. Any person desiring to make a statement at the public hearing concerning Hyperion's application for a certificate to provide local exchange service need only appear in the Commission's second floor courtroom at 9:45 a.m. on the day of the hearing and identify himself or herself as a public witness to the Commission's Bailiff.

Any person who expects to submit evidence, cross-examine witnesses, or otherwise participate in the proceedings as a Protestant, pursuant to Commission Rule 4:6 of the Commission's Rules of Practice and Procedure should promptly obtain a copy of the Order for Notice and Hearing from the Clerk of the Commission for complete details of the procedural schedule and instructions on participation.

Individuals with disabilities who require an accommodation to participate in the hearing should contact the Commission at least seven (7) days before the scheduled hearing date at 1-800-552-7945 (voice) or 1-804-371-9206 (TDD).

All written communications to the Commission concerning Hyperion's application

should be directed to Joel H. Peck, Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, and must refer to Case No. PUC980156.

HYPERION COMMUNICATIONS OF VIRGINIA, LLC

(4) On or before December 28, 1998, Applicant shall give notice of its application to each local exchange telephone carrier certificated in Virginia and each interexchange carrier certificated in Virginia by personal delivery or first-class mail, postage prepaid, to the customary place of business or residence of the person served. Lists of all current local exchange and interexchange carriers in Virginia are attached to this Order as Appendices A and B, respectively.

(5) On or before January 4, 1999, the Applicant shall prefile with the Commission an original and fifteen (15) copies of any additional direct testimony it intends to present at the public hearing. Copies shall also be served on any person who files a Notice of Protest.

(6) On or before January 13, 1999, any person desiring to participate as a Protestant as defined in Rule 4:6 of the Commission's Rules of Practice and Procedure ("Rules") shall file an original and fifteen (15) copies of a Notice of Protest as provided in Rule 5:16(a), and shall serve a copy of the same on Hyperion's counsel, Jonathan D. Draluck, Esquire, Swidler

Berlin Shereff Friedman, LLP, 3000 K Street, N.W., Suite 300, Washington, D.C. 20007-5116.

(7) On or before January 13, 1999, any person wishing to lodge an objection to Hyperion's application for a certificate to provide interexchange service shall file an original and fifteen (15) copies of its objection in writing with Joel H. Peck, Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218. Written objections shall refer to Case No. PUC980156 and shall state with specificity why a hearing is necessary. If substantive objections are received, the Commission will hear evidence relevant to this portion of the application at the January 27, 1999, public hearing.

(8) Any person desiring to comment in writing on Hyperion's application for a certificate to provide interexchange services may do so by directing such comments on or before January 13, 1999, to the Clerk of the Commission at the address set forth above. Written comments must refer to Case No. PUC980156.

(9) Any person desiring to comment in writing on Hyperion's application for a certificate to provide local exchange services may do so by directing such comments on or before January 13, 1999, to the Clerk of the Commission at the address set out above. Comments must refer to Case

No. PUC980156. Any person desiring to make a statement at the public hearing concerning the application for a certificate for local exchange services need only appear in the Commission's second floor courtroom at 9:45 a.m. on the day of the hearing and identify himself or herself to the Bailiff as a public witness.

(10) Any person who expects to submit evidence, cross-examine witnesses, or otherwise participate in the proceedings as a Protestant pursuant to Rule 4:6 shall file on or before January 13, 1999, an original and fifteen (15) copies of its Protest, referring to Case No. PUC980156, and shall on the same day mail a copy thereof to Hyperion's counsel at the address identified above and to any other Protestants. The Protest shall set forth (i) a precise statement of the interest of the Protestant in the proceeding; (ii) a full and clear statement of the facts which the Protestant is prepared to prove by competent evidence; and (iii) a statement of the specific relief sought and the legal basis therefor. Any corporate entity that wishes to submit evidence, cross-examine witnesses, or otherwise participate as a Protestant must be represented by legal counsel in accordance with the requirements of Rule 4:8 of the Commission's Rules.

(11) On or before January 13, 1999, each Protestant shall file with the Clerk of the Commission an original and fifteen

(15) copies of the prepared testimony and exhibits the Protestant intends to present at the hearing, and shall on the same day, mail a copy of the same to Hyperion's counsel, and other Protestants. Service upon Hyperion shall be made at the address set forth above.

(12) The Commission Staff shall analyze the reasonableness of Hyperion's application and present its findings in a Staff Report to be filed on or before January 21, 1999.

(13) On or before January 21, 1999, if necessary, the Commission Staff may file with the Clerk of the Commission an original and fifteen (15) copies of any prepared testimony and exhibits it intends to present at the public hearing. A copy of the Staff's direct testimony shall be mailed to counsel for the Applicant and to each Protestant.

(14) On or before January 25, 1999, the Applicant shall file with the Clerk of the Commission an original and fifteen (15) copies of any testimony it expects to introduce in rebuttal to any direct prefiled testimony of Staff and Protestants. A copy of the rebuttal testimony shall be mailed to Staff and each Protestant by overnight delivery.

(15) At the commencement of the hearing scheduled herein, Hyperion shall provide to the Commission proof to the notice and service required by Ordering Paragraphs (3) and (4) herein.



(16) The Applicant shall respond to written interrogatories or data requests within seven (7) days after the receipt of the same. Protestants shall provide to the Applicant, other Protestants and Staff any workpapers or documents used in preparation of their prefiled testimony, promptly upon request. Except as so modified, discovery shall be in accordance with Part VI of the Rules.